

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

David Johnson, Jr.,

Plaintiff,

vs.

York Co Clerk of Court,

Defendant.

Civil Action No. 0:24-cv-4524-CMC

ORDER

This matter is before the court on Plaintiff's Complaint alleging violations of his constitutional rights. ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), D.S.C., the matter was referred to United States Magistrate Judge Paige J. Gossett for pre-trial proceedings.

Defendant filed a motion to dismiss on October 9, 2024. ECF No. 14. The court issued a *Roseboro* order directing Plaintiff to respond to the motion and providing an explanation of dismissal procedures. ECF No. 15. Plaintiff filed a response in opposition to the motion to dismiss. ECF No. 17. He also filed a motion for default judgment (ECF No. 18), motion for leave to file supplemental brief (ECF No. 23), motion for discovery (ECF No. 27), motion to quash (ECF No. 28), and a "declaration of status certification"¹ (ECF No. 38). The Magistrate Judge denied the motion for leave to file supplemental brief and motion for discovery. ECF Nos. 29, 35 (suspending discovery pending resolution of Defendant's motion to dismiss).

On February 20, 2025, the Magistrate Judge issued a Report and Recommendation ("Report") recommending Defendant's motion to dismiss be granted and Plaintiff's pending

¹ Plaintiff espouses sovereign citizen beliefs.

motions be terminated from the docket. ECF No. 40. The Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Report and the serious consequences if they failed to do so. No party has filed objections, and the time to do so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”) (citation omitted).

After a review of the record, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court finds no clear error, and agrees Defendant's motion to dismiss should be granted as the court lacks jurisdiction pursuant to the *Rooker-Feldman* doctrine. In addition, Defendant is not a "person" amenable to suit under § 1983. Accordingly, the court adopts the Report by reference in this Order. Plaintiff's motions for default judgment and to quash (ECF Nos. 18, 28) are dismissed as moot. Defendant's motion to dismiss (ECF No. 14) is granted, and this matter is dismissed without prejudice.

IT IS SO ORDERED.

s/Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
March 19, 2025